

AMENDED IN ASSEMBLY APRIL 1, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 2812

Introduced by Assembly Member Pescetti

February 25, 2002

An act to amend Section 798.78 of the Civil Code, relating to mobilehomes.

LEGISLATIVE COUNSEL'S DIGEST

AB 2812, as amended, Pescetti. Mobilehomes: foreclosure.

The existing Mobilehome Residency Law provides that if the heir, joint tenant, or personal representative of the estate of a deceased owner of a mobilehome does not satisfy the owner's responsibilities and liabilities to the management that accrue pursuant to the rental agreement in effect at the time of the death of the owner, the management shall have the right to require the removal of the mobilehome from the park.

This bill would instead provide that if the heir, joint tenant, or personal representative of the estate of a deceased owner of a mobilehome does not satisfy the owner's responsibilities and liabilities to the management that accrue pursuant to the rental agreement in effect at the time of the death of the owner or if there is no heir, joint tenant, or personal representative of the homeowner, the management may acquire a warehouseman's lien and foreclose upon the mobilehome after posting notice on the mobilehome, as specified, and providing notice by mail to the legal owner, each junior lienholder, and the registered owner of the mobilehome and after there is a failure to satisfy the responsibilities and liabilities of the deceased owner.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 798.78 of the Civil Code is amended to
2 read:

3 798.78. (a) An heir, joint tenant, or personal representative of
4 the estate who gains ownership of a mobilehome in the
5 mobilehome park through the death of the owner of the
6 mobilehome who was a homeowner at the time of his or her death
7 shall have the right to sell the mobilehome to a third party in
8 accordance with the provisions of this article, but only if all the
9 homeowner's responsibilities and liabilities to the management
10 regarding rent, utilities, and reasonable maintenance of the
11 mobilehome and its premises which have arisen since the death of
12 the homeowner have been satisfied as they have accrued pursuant
13 to the rental agreement in effect at the time of the death of the
14 homeowner up until the date the mobilehome is resold.

15 (b) If the heir, joint tenant, or personal representative of the
16 estate does not satisfy the requirements of subdivision (a) with
17 respect to the satisfaction of the homeowner's responsibilities and
18 liabilities to the management which accrue pursuant to the rental
19 agreement in effect at the time of the death of the homeowner or
20 if there is no heir, joint tenant, or personal representative of the
21 homeowner, the management shall provide at least ~~30~~ 60 days'
22 written notice of the responsibilities and liabilities that have
23 accrued and remain unsatisfied pursuant to the rental agreement.
24 The notice shall be served by posting a copy thereof on the
25 mobilehome in a conspicuous location, and by United States mail,
26 certified or registered with return receipt requested, addressed to
27 the legal owner, each junior lienholder, and the registered owner
28 of the subject mobilehome at their addresses as set forth in the
29 registration card specified in Section 18091.5 of the Health and
30 Safety Code. The notice shall specify the nature of each failure to
31 satisfy the homeowner's responsibilities and liabilities to
32 management pursuant to the rental agreement, and shall provide
33 ~~no less than 30 days for~~ that within 60 days from receipt or no more
34 than 65 days from the date of mailing, any heir, joint tenant, or
35 personal representative of the estate of the homeowner, or any

1 legal owner, junior lienholder, or registered owner of the
2 mobilehome ~~to~~ shall satisfy the responsibilities and liabilities. If
3 any heir, joint tenant, personal representative of the homeowner's
4 estate, legal owner, junior lienholder, or registered owner fails to
5 satisfy the deceased homeowner's responsibilities and liabilities
6 within ~~30 days from the posting and~~ *60 days from receipt or no*
7 *more than 65 days from the date of* mailing of the notice provided
8 in this subdivision, the management of the mobilehome park shall
9 have a warehouseman's lien against the mobilehome which may
10 be foreclosed upon by the mobilehome park management as
11 specified in subdivision (e) of Section 798.56a.

12 (c) Prior to the sale of a mobilehome by an heir, joint tenant, or
13 personal representative of the estate, that individual may replace
14 the existing mobilehome with another mobilehome, either new or
15 used, or repair the existing mobilehome so that the mobilehome to
16 be sold complies with health and safety standards provided in
17 Sections 18550, 18552, and 18605 of the Health and Safety Code,
18 and the regulations established thereunder. If the mobilehome is to
19 be replaced, the replacement mobilehome shall also meet current
20 standards of the park as contained in the park's most recent written
21 requirements issued to prospective homeowners.

22 (d) If the heir, joint tenant, or personal representative of the
23 estate desires to establish a tenancy in the park, that individual
24 shall comply with those provisions of this article which identify
25 the requirements for a prospective purchaser of a mobilehome that
26 remains in the park.

